

CALIFORNIA APPRENTICESHIP COUNCIL
RULES AND REGULATIONS (R&R) STANDING COMMITTEE MEETING
MINUTES OF THE MEETING

SHERATON UNIVERSAL HOTEL, UNIVERSAL CITY
OCTOBER 26, 2006

Chairperson Aram Hodess called the meeting to order at 9:00 a.m.
Members present were: Aram Hodess, William Callahan, Anne Quick, Leo Garcia, Max Turchen and David Rowan. Absent were: Marvin Kropke and Dick Zampa. There was a quorum.

I. APPROVAL OF THE MINUTES OF THE MEETING OF JULY 27, 2006

It was moved, seconded and carried to approve the minutes of the July 27, 2006 meeting.

II. CONTINUING DISCUSSION

A. CCR §212.2- Eligibility and Procedure for DAS Approval of an Apprenticeship Program.

Chief Rowan gave a Power Point presentation detailing a uniform program approval process. It included a pro-forma worksheet that he believes elicits the information required by CCR §212.2 and would provide consistency for all program applicants, assist the sponsor in planning for the program and make it easier for the Chief to evaluate the program. This draft pro-forma application will be posted on the DAS website and will also be available upon request.

Several people in attendance expressed their support for the pro-forma approach. Commissioner Hodess requested that public comments on the draft pro-forma be forwarded to DAS and that public comments would be discussed at the next CAC meeting.

Barry Noonan requested Chief Rowan notify the Community Colleges when a program is approved by DAS as this will facilitate the Community College program approval process.

B. CONFIRMATION OF INSTRUCTOR AND/OR JOURNEYMAN STATUS PER CCR §205 (a) and (b)

Commissioner Hodess introduced a draft craft instructor certification form that he proposed be included by program sponsors with their pro-forma application. It would provide the Chief evidence that a program sponsor's instructors had either completed an accredited apprenticeship in his/her craft or had completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the craft, but are not necessarily designated as journeyman.

Commissioner Hodess also suggested the form could be used by the Chief of DAS in the event of a program audit where the Chief wanted to confirm that journeymen, as defined in CCR 205 (a) were providing on-the-job training. Barry Noonan pointed out that the definition of "instructors" in Section 205 (b) is defined in the context of instructing apprentices, not as defined under the Community College system, which have additional requirements for instructors. The draft instructor certification form will be posted on the DAS website and public comments on it should be forwarded to DAS.

III. WHAT PROGRAMS COULD REASONABLY BE EXPECTED TO DISPATCH APPRENTICES TO EMPLOYERS

Chief Rowan expressed concern that some employers may be intentionally evading their obligation to employ and train apprentices by requesting apprentices from programs that are geographically distant from the site of work, knowing that these programs will not dispatch apprentices to their worksite, based upon issues like time conflicts with RSI, long distances from training facilities, and the high cost of travel and living expenses for apprentices required to live far from their homes.

Gavin Spector with ABC Ventura said that DAS should look closely at contractors that "work" the system just to stay in compliance but are not committed to train apprentices. He felt that apprentices should not be sent to programs like that because they do not protect the apprentices.

Commissioner Hodess said that training apprentices is part of the labor code and part of doing public works. If a contractor does not want to participate in training apprentices, then the contractor should not be in public works.

John Upshaw with IRCC concurred with Commissioner Hodess' sentiment. He also suggested that the DAS 140 should be discontinued because it does not provide guarantees or protection for the apprentices.

Chief Rowan responded that the DAS 140 form could be used positively to expand apprenticeship. DAS is committed to providing clarity and do a better job at obtaining compliance on public works issues. DAS is now focused on public works complaints, acting on information promptly and penalizing violators.

The Chief expressed a concern as to whether regulatory change is needed to eliminate employers evading their obligation to employ and train apprentices in this manner. Chief Rowan stressed that DAS wants to see apprentices employed and contractors to request apprentices from programs that can practically and actually dispatch them.

Jack Davis said that the answer to the question on dispatching apprentices out of area is in the statute and regulations. He said that they direct the contractor to notify and request apprentices from the program in the geographic area of operation.

Dick Freeman, representing the San Diego Apprenticeship and Training Program, commented that there needs to be clarification on several issues including:

- When is the program, whether union or non-union, legally authorized to send an apprentice out to a contractor?
- Does a program sponsor violate its registration with the DAS if it sends an apprentice out to an employer that does not participate or make training fund contributions to that program?
- Mr. Freeman also said that most program sponsors require employers to sign paperwork obligating them to abide by their program's standards. Mr. Freeman said that CCR§ 230 and 230.1 are ambiguous regarding the issue of notification.

Bob Robinson, an attorney representing a number of employers, agreed with Dick Freeman's comment that 230 and 230.1 lacked clarity regarding the contractor's obligation on requesting apprentices. He said it is clear that when a contractor is enrolled in a program, the program can dispatch to any location outside of the geographical area of the program to that contractor.

Mr. Lonsdale said that simplifying the DAS 140 should be considered and some parts clarified so the contractor knows exactly who they have to ask for apprentices, when they have to make the requests for apprentices and what exactly the response of the program should be.

Chief Rowan welcomed the comments and urged the CAC and DAS to focus on maximizing the employment of apprentices on public projects.

IV. ADJOURNMENT

There was no further business or public comment.

It was moved, seconded and carried to adjourn the meeting at 11:10 a.m.

Respectfully Submitted,

Aurea Galang
Staff Aide